

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 12-CR-20287

v.

HON. MARK A. GOLDSMITH

ALEXANDRA NORWOOD, et al.,

Defendants.

/

ORDER REGARDING SEQUENCING OF PROOFS

Defendants' request for the sequencing of proofs, see Dkts. 579 and 592, is denied. Although Defendants argue that the Government should first establish the existence of the enterprise prior to admission of evidence relating to uncharged "other acts," Defendants have not cited any authority requiring such a sequencing of proofs, and the Court is unaware of any such authority. It is well established that courts permit the admission of "other acts" evidence because it may tend to show membership in an enterprise by demonstrating that the defendant had the intent to further or facilitate the enterprise. United States v. Fowler, 535 F.3d 408, 422 (6th Cir. 2008) (citing Salinas v. United States, 522 U.S. 52, 65 (1997)); see also United States v. Matera, 489 F.3d 115, 120 (2d Cir. 2007) (observing that evidence of uncharged murders was admissible "to prove an essential element of RICO crimes charged — the existence of a criminal enterprise in which the defendants participated"). But no case has been presented to the Court mandating, or even counseling, how the sequence of proofs should be made. Accordingly, the Court denies Defendants' request regarding the sequencing of proofs.

SO ORDERED.

Dated: July 8, 2014
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 8, 2014.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager